

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Nathan Davis

v.

Case No. 22-cv-522-LM

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated June 9, 2023. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir. 1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal). Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

Within 30 days the respondent shall either file (1) a notice indicating that there are disputed facts and that an evidentiary hearing is necessary; or (2) a new motion for summary judgment based on the current BOP policies and authorities with reference to the

petitioner's recent sentence computation date.



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Landya B. McCafferty  
United States District Judge

Date: July 20, 2023

cc: Nathan Davis, pro se  
Heather Cherniske, Esq.